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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 KELLY BOLDING, *et al.*,

8 Plaintiff,

9 v.

10 BANNER BANK,

11 Defendants.

Case No. C17-0601RSL

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

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13 This matter comes before the Court on defendant Banner Bank's motion for partial
14 reconsideration of an order finding that defendant spoliated evidence. Motions for
15 reconsideration are disfavored in this district and will be granted only upon a "showing of
16 manifest error in the prior ruling" or "new facts or legal authority which could not have been
17 brought to [the Court's] attention earlier with reasonable diligence." LCR 7(h)(1). Defendant has
18 not met its burden.

19 Defendant argues that the Court manifestly erred in finding that (a) defendant knew or
20 should have known that evidence showing when AmericanWest Bank ("AWB") mortgage loan
21 officers were engaged in work-related activities - such as their emails and calendars - was
22 relevant to a threatened overtime claim as of July 2016, (b) defendant destroyed relevant emails
23 and calendars after July 2016, and (c) defendant destroyed **all** emails and calendars related to
24 AWB mortgage loan officers who did not join Banner Bank following AWB's acquisition. There
25 is no error in the first two findings. As to the third, any misapprehension of the record with
26 regards to the scope of the destruction of AWB records does not require reconsideration. The

1 relief granted for the spoliation of evidence is that defendant will be precluded from contesting a
2 class member's estimate of overtime hours worked as to any month in which plaintiffs have been
3 deprived of the employee's emails, calendar account, or both. Thus, to the extent Banner
4 preserved and produced the email and calendar accounts of AWB employees, it will be permitted
5 to rely on those documents to contest the class members' calculations.

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7 For all of the foregoing reasons, defendant's motion for reconsideration is DENIED.

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9 Dated this 8th day of June, 2020.

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11 Robert S. Lasnik

12 United States District Judge
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